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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,491	10/25/2000	David W. Paranchych	NORT0031US(10955RRUS02U) 3619	
7590 10/31/2005			EXAMINER	
Dan C. Hu			NGUYEN, DAVID Q	
TROP, PRUNE	ER & HU, P.C.			·
Ste. 100			ART UNIT	PAPER NUMBER
8554 Katy Freeway			2681	
Houston, TX 77024			DATE MAILED: 10/31/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/696,491	PARANCHYCH ET AL.				
Office Action Summary	Examiner	Art Unit				
	David Q. Nguyen	2681				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ Responsive to communication(s) filed on <u>15 A</u> 2a)□ This action is <b>FINAL</b> . 2b)□ This  3)□ Since this application is in condition for allowated on accordance with the practice under <i>I</i>	s action is non-final. Ince except for formal matters, pro					
Disposition of Claims						
4) Claim(s) 2-4,6-10,13,15-24,26,28,30-32,37 and 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ☑ Claim(s) 2-4,6-10,13,15-24,26,28,30-32,37 and Application Papers  9) □ The specification is objected to by the Examine 10) □ The drawing(s) filed on is/are: a) □ according to the drawing(s) filed on is/are: a) □ according	wn from consideration.  ad 38 are subject to restriction and er.  er.  cepted or b) □ objected to by the E	/or election requirement. Examiner.				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.						
• •						
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa	(PTO-413) te atent Application (PTO-152)				

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 2-4,6-10,13,15-19, drawn to detecting an error in control signaling transmitted over a reverse link when traffic channels are not being communicated in the reverse link, classified in class 370, subclass 318.
  - II. Claims 20-24,26, 28, 30-32, 37-38, drawn to detecting an error in the received control signaling when the mobile unit is in the discontinuous transmission mode, classified in class 455, subclass 522.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as detecting an error in control signaling transmitted over a reverse link when traffic channels are not being communicated in the reverse link. See MPEP § 806.05(d).

- 3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Dan C Hu on 10/28/05 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Nguyen

SUPERVISORY PATENT EXAMINER

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